

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 23 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARIO DIMARCO

Application 09/224,340

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 20, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

The Examiner's Answer mailed on November 19, 2003, is incomplete for it fails to include the required section "References of Record." See MPEP § 1208, page 1200-19. Appropriate correction is required.

Further, the Examiner's Answer mailed on November 19, 2003, has no indication that an appeal conference has been conducted. According to the Manual of Patent Examining Procedure (MPEP)

§ 1208 (8th ed., August 2001), when an appeal conference has been held, the appeal conference participants must identify themselves as the conferees, along with placing their initials next to their name.

Accordingly, it is

ORDERED that the application is returned to the Examiner for providing a Supplemental Examiner's Answer incorporating the required section "References of Record", for taking corrective action regarding the appeal conference, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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